

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America
v.
Mozar FELIX DA CRUZ

Case: 2:22-mj-30371
Assigned To : Unassigned
Assign. Date : 8/30/2022
Description: RE: MOZAR FELIX DA
CRUZ (EOB)

Case No.

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 20, 2022 in the county of St. Clair in the
Eastern District of Michigan, the defendant(s) violated:

Code Section
Title 8, United States Code, Section 1325(a)(1) and
(a)(2)

Offense Description
Improper Entry by Alien

This criminal complaint is based on these facts:


On or about August 20, 2022, at or near Port Huron, Michigan in the Eastern District of Michigan, Southern Division, Mozar FELIX DA CRUZ, an alien from Brazil, was found in the U.S. after entering or attempting to enter the U.S at any time or place other than as designated by immigration officers; in violation of Title 8, USC, Section 1325(a)(1) and (a)(2).

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: August 30, 2022

City and state: Detroit, MI


Complainant's signature

Jeffrey Erdmann, TFA
Printed name and title


Judge's signature

David R. Grand, U.S. Magistrate Judge
Printed name and title

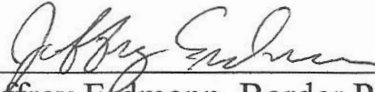
AFFIDAVIT

I, Jeffrey Erdmann, declare the following under penalty of perjury:

1. I am a Border Patrol Agent with the United States Department of Homeland Security (DHS), United States Border Patrol. I have been employed in this capacity since October 2006. Currently, I am assigned as a Task Force Agent to the DHS Alliance Task Force. The facts set forth herein are based upon my personal knowledge, information provided by other law enforcement officers, record checks of law enforcement databases, and immigration records relating to Mozar FELIX DA CRUZ, which reveal the following:
2. Mozar FELIX DA CRUZ is a forty-seven-year-old male, native and citizen of Brazil, who last entered the United States on August 20, 2022 without being inspected and admitted or paroled into the United States by an immigration officer.
3. On August 20, 2022, other Border Patrol Agents and I were conducting line-watch duties near Port Huron, Michigan along with agents from the Air and Marine Office. At approximately 1500 hours, two Brazilian nationals were transported from Canada to the U.S. using a blue jet ski. Recorded video from an Air and Marine Office Agent depicts the operator of the jet ski wearing a grey lifejacket, one passenger wearing a red lifejacket, and the third individual wearing a yellow lifejacket. After the jet ski operator dropped off the two individuals on a beach near Port Huron, MI, agents observed the individuals wearing the red and yellow lifejackets take off their lifejackets and hand them to the individual in the grey lifejacket (the operator). After receiving the lifejackets, the jet ski operator traveled eastbound on the blue jet ski just north of the St. Clair River. At approximately 1530 hours, Border Patrol Agents apprehended the two Brazilian nationals for being illegally present in the U.S.
4. At approximately 1530 hours, Border Patrol Agents with the Marysville Marine Unit observed the same blue jet ski with three occupants heading towards the same aforementioned beach. Agents observed the jet ski operator (who was wearing the grey lifejacket) drop off two additional individuals on the beach just north of the Black River canal. The recorded video from Air and Marine Office Agent showed that the two individuals wearing the same red and yellow life jackets that were just used in the previous drop off. Once again, the passengers took off the red and yellow lifejackets and handed them back to the jet ski operator. The jet ski operator then returned to the Sarina Bay Marina in Canada.

5. Agents continuously observed the two individuals walk inland towards Krafft Rd. The two individuals walked westbound on Krafft Rd where agents encountered them near 24th Avenue on Krafft Rd. Border Patrol Agents Erdman, Vincent, and Todd approached the individuals, identified themselves as Border Patrol Agents, and began to question the subjects regarding their immigration status. The male subject presented Brazilian driver's licenses for both individuals but did not provide any further documentation to be in or to remain in the United States legally. The subjects were identified as Mozar FELIX DA CRUZ and Lucelia Jarciana FELIX DA SILVA. FELIX DA CRUZ and FELIX DA SILVA were transported to the Marysville Border Patrol Station for further investigation.
6. After arriving at the station, FELIX DA CRUZ's fingerprints and photograph were captured and entered into the Automated Biometric Identification System (IDENT) and the Integrated Automated Fingerprint Identification System (IAFIS). The results revealed that FELIX DA CRUZ was last admitted to the United States on a B1/B2 visa on May 25, 2019 at Orlando International Airport. His period of admission ended on November 24, 2019. FELIX DA CRUZ overstayed his period of admission because he departed the United States on March 31, 2021.
7. Records checks associated to his A-file (A#: XXX-XX-224) revealed that on August 3, 2022, FELIX DA CRUZ was found inadmissible at the Toronto Pearson International Airport under section 212(a)(9)(B)(i)(II) and 212(a)(7)(i)(I) because he overstayed his period of authorized admission to the United States and could not overcome the presumption of being an intended immigrant. FELIX DA CRUZ was allowed to withdraw his application for admission and advised that he was barred from entry into the United States until April 1, 2031. FELIX DA CRUZ was processed for being illegally present in the U.S.
8. The aforementioned arrest and subsequent detention was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any alien entering or attempting to enter the United States, or any alien present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of aliens.

9. Based upon the above, probable cause exists to believe that Mozar FELIX DA CRUZ unlawfully entered the United States in violation of Title 8, United States Code, Section 1325(a)(1)(entering at a time and place other than as designated by immigration officers) and 1325(a)(2) (eluding examination or inspection by immigration officers).



Jeffrey Erdmann, Border Patrol Agent
United States Department of Homeland Security
United States Border Patrol

Sworn to before me and signed in my
presence and/or by reliable electronic means.



David R. Grand
United States Magistrate Judge

Dated: August 30, 2022